MT LEGISLATIVE HISTORY

Chapter 437 19 83

Bill H 522 S _____ Original bill & hist. ___C

H. Committee on St. Admin. S. Committee on St. Admin.

H. Committee on St. Admin.		S. Committee on St. Admin.	
Hearing Date(s) Feb 04	___C	Hearing Date(s) Mar 15	___C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	_____	___C
Rpt 2-4		Rpt 3-15	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

OPPONENTS

Representative Driscoll stated that he was an opponent to the measure.

Senator Shaw closed and Chairman Brand called for questions by committee members.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN McBRIDE asked Senator Shaw that, as a freshman legislator, had he experienced many expenses. She suggested telephone calls and mailing as among those expenses. She suggested "you may have overlooked something." Senator Shaw noted that he was not a freshman legislator, having served one term 22 years ago. He said "we're not overpaid." He said Senate Bill 116 was an effort to show other state agencies "we're willing to make the first cut." He said the private sector has taken the first cut.

Representative McBride apologized for characterizing Senator Shaw as a freshman legislator. She observed that the date on the bill is retroactive. She asked, "What do you expect those of us to do who made commitments based on the $45 a day payment?" Senator Shaw said he did not know.

Representative Phillips asked how much the savings would be by way of the bill. Chairman Brand said savings would range from $135,000 to $145,000.

Representative Driscoll asked if the Senate could not find some other place to cut. Senator Shaw said, "I'm not on Finance and Claims."

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON SENATE BILL 116.

HOUSE BILL 522

Representative Hand, sponsor of House Bill 522, said the legislation would require all petitions for nomination by candidates of independent political parties to be submitted for signature verification at least one week prior to the filing deadline for the primary election. He distributed a proposed amendment to the measure to clarify the language.

PROPONENTS

Bill Romine, representing the Clerks and Recorders Association spoke in support of House Bill 522. He said it would require all petitions to be submitted to election administrators within the time limit. He called it an advantage to petition carriers, who often need to know the number of valid signatures so they won't get caught short.

THERE BEING NO OTHER PROPONENTS, AND NO OPPONENTS TO HOUSE BILL 522, REPRESENTATIVE HAND URGED ADOPTION OF THE AMENDMENT, CALLING IT AN OVERSIGHT. THERE WERE NO QUESTIONS FROM COMMITTEE MEMBERS AND CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 522.

HOUSE BILL 528

After taking a short recess, REPRESENTATIVE ESTHER BENGTSON, sponsor of House Bill 528, said the measure was introduced at the request of the Montana Association of Counties. She said it is a solution to the problem that arises when county commissioners must choose legislators to represent multiple counties. She said the problem exists with how the vote of various commissioners from the various counties are to be weighed.

PROPONENTS

Mike Stephen, representing the Montana Association of Counties, said at present the county commissioners select replacement legislators. The problem is, Stephen said, that not all county commissions have three commissioners. This creates problems about equal voting representation when the legislators are chosen by more than one county commission. Stephen distributed a handout, illustrating some of the problems and the proposed solution within the legislation. He said often a problem can arise when there are two counties involved, and portions of other counties involved, in a particular district. He said the formula provides a vote per commissioner that would be weighted by population. He said that subsection B needs clarification: "c" is the number of the authorized commissioners or commission boards. He said that Legislative Researcher, Lois Menzies, has the appropriate amendment language.

Tom Beck, a commissioner of Powell County, spoke for the measure. He said there was confusion when SENATOR JOHN

Representative Pistoria asked if subsection four was now in the law. Lowe said it was.

Representative Hand MOVED that the committee do not ask for a committee bill.

Representative Hand said "if we start telling the bureau chiefs what they can or cannot do, it would interfere with their supervision of state employees." Chairman Brand noted that this proposed committee bill would address elections.

Representative Driscoll made a substitute motion that the committee proceed with drafting a committee bill. Representative McBride seconded.

REPRESENTATIVE GAY HOLLIDAY noted that subsection three does not prohibit contributions, just solicitation.

The question being called, the motion carried by unanimous voice vote. The committee agreed to have a committee bill drafted.

HOUSE BILL 528

Chairman Brand secured the consent of the committee to have Legislative Council Researcher Lois Menzies research the matter further and report for action during the executive session on Monday.

HOUSE BILL 522

Representative Pistoria MOVED DO NOT PASS.

Representative Phillips made a substitute motion DO PASS.

Representative O'Connell made a substitute motion to amend House Bill 522, REPRESENTATIVE HAMMOND seconded.

The question being called, the O'Connell substitute motion carried by unanimous voice vote.

Representative Mueller MOVED House Bill 522 DO PASS AS AMENDED, Representative Hammond seconded.

The question being called, the motion carried by unanimous voice vote. House Bill 522 was reported out do pass as amended.

STANDING COMMITTEE REPORT

FEBRUARY 4, 19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 522

first reading copy (white color)

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 13-10-503, MCA, TO PROVIDE THAT ALL PETITIONS FOR NOMINATION BY INDEPENDENT CANDIDATES OR POLITICAL PARTIES NOT ELIGIBLE TO PARTICIPATE IN A PRIMARY ELECTION MUST BE SUBMITTED FOR SIGNATURE VERIFICATION AT LEAST 1 WEEK BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION."

Respectfully report as follows: That HOUSE Bill No. 522

be amended as follows:

1. Page 1, line 18.
Following: "filing,"
Insert: ", at least 1 week before the deadline for filing,"

2. Page 1, line 23.
Strike: "at least 1 week"
Insert: "on or"

AND AS AMENDED

DO PASS

REP. JOE BRAND
Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

SENATOR MANNING asked how many people between the warden and the Governor.

MR. GOSNELL said only Mr. South, Curt Chisholm is the Deputy Director.

REPRESENTATIVE BRAND CLOSED said that he does not know what kind of squares Mr. Huntington is worried about changing. The warden should be running the prison and the people in Galen should run that institution and the same with all the others, they have been screened probably better than the head of institutions or anyother department, and they are the ones that should be accountable and everyone here has to be accountable to the department of institutions. That is what this bill is about. He said he opposes a study, it is just more money. EXHIBIT 3, amendments from the House.

The hearing closed on H.B.450.

CONSIDERATION OF HOUSE BILL 522:
"AN ACT AMENDING SECTION 13-10-503, MCA, TO PROVIDE THAT ALL PETITIONS FOR NOMINATION BY INDEPENDENT CANDIDATES OR POLITICAL PARTIES NOT ELIGIBLE TO PARTICIPATE IN A PRIMARY ELECTION MUST BE SUBMITTED FOR SIGNATURE VERIFICATION AT LEAST 1 WEEK BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION."

REPERSENTATIVE HAND, District 85, presented this bill and said that it deals with the deadline for filing. It says that we must get a petition to the county clerk and recorder one week before the primary election, in advance, so the signatures can be verified.

PROPONENTS: None

BILL ROMINE, representing the clerk and recorders testified that under the present law when you circulate a petition for an independent candidate and if that candidate is going to be on a state wide ballot and be submitted to the Secretary of State's office they must submit for the purpose of counting or verifying signatures only, one week in advance. That will give the person the opportunity to get additional signatures if he does not have enough. This bill says it will not only be the Secretary of State's office but also the County Clerk and Recorder's office if that is where it is to be filed. See attached testimony.

OPPONENTS: None.

QUESTIONS OF THE COMMITTEE:

BILL ROMINE said that there is none.

SENATOR STIMATZ stated that the mailing date was usually a receipt. The day that it is put in the mail is stamped on the card or envelope.

BILL ROMINE said that in fact they do not close the mail until three days after the closing date but you cannot personnally deliver your registration card.

The meeting closed on H.B.547.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 522:
SENATOR TOWE MOVED HIS AMENDMENT:
Page 1, line 22
Following: 13-17-306
Insert: "In the event there are insufficient signatures on the petitions, additional signatures may be submitted before the deadline for filling"
MOTION PASSED.

SENATOR TOWE MOVED HOUSE BILL 522 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Towe will carry the bill.

ACTION ON HOUSE BILL 547:
SENATOR TOWE MOVED THAT H.B.547 BE CONCURRED IN.
MOTION PASSED. Senator Stimatz will carry the bill.

ACTION ON HOUSE BILL 329:
SENATOR TOWE MOVED THE AMENDMENTS SHOWN AS EXHIBIT 4.
MOTION PASSED. Senator Hammond voted "no".
SENATOR TOWE MOVED H.B.329 BE CONCURRED IN AS AMENDED.
Roll call vote, EXHIBIT 5.
Four members voted yes, Senators Marbut, Manning, Stimatz and Towe. Two members voted no, Senators Hammond and Story.
It was decided to wait for a full committee vote.

ACTION ON HOUSE BILL 528:
Discussion and explanations were conducted regarding hold-over senators. It was decided to come back to this bill.

ACTION ON HOUSE BILL 506:
SENATOR TOWE MOVED AMENDMENT 1:
Page 2, line 16.
Strike: "Except as provided in subsection (2), for"
Insert: "For"
MOTION PASSED.

STANDING COMMITTEE REPORT

MARCH 15 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 522

Hand (Towe)

Respectfully report as follows: That HOUSE Bill No. 522

third reading be amended as follows:

1. Page 1, line 22.
   Following: "13-27-306."
   Insert: "In the event there are insufficient signatures on the petition, additional signatures may be submitted before the deadline for filing."

And, as so amended
BE CONCURRED IN

~~xxDO PASS~~

SENATOR PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.